

## LASSEN COUNTY AIR POLLUTION CONTROL DISTRICT

### **RULE 6:7 - POWER PLANTS**

- a. General - This section shall apply to all power plants proposed to be constructed in the District and for which a Notice of Intention (NOI) or Application for Certification has been accepted by the California Energy Commission. The Air Pollution Control Officer, may apply for reimbursement of all costs incurred, including lost fees, in order to comply with the provisions of this section.
- b. Intent to Participate Preliminary Report - Within 14 days of receipt of a NOI, the Air Pollution Control Officer shall notify the Air Resources Board and the California Energy Commission of the District's intent to participate in the NOI proceeding. If the District chooses to participate in the NOI proceeding, the Air Pollution Control Officer shall prepare and submit a report to the Air Resources Board and the California Energy Commission prior to the conclusion of the nonadjudicatory hearings specified in Section 25509.5 of the Public Resources Code. That report shall include, at a minimum:
  1. a preliminary specific definition of best available control technology for the proposed facility;
  2. a preliminary discussion of whether there is substantial likelihood that the requirements of this rule and all other District regulations can be satisfied by the proposed facility;
  3. a preliminary list of conditions which the proposed facility must meet in order to comply with this rule or any other applicable district regulation. The preliminary determinations contained in the report shall be as specific as possible within the constraints of the information contained in the NOI.
- c. Determination of Compliance Review - Upon receipt of an Application for Certification (AFC) for a power plant, the Air Pollution Control Officer shall conduct a Determination of Compliance review. This determination shall consist of a review identical to that which would be performed if an application for a Permit to Construct had been received for the power plant. If the information contained in the AFC does not meet the requirements of this rule, the Air Pollution Control Officer shall, within 20 calendar days of receipt of the AFC, so inform the Commission, and the AFC shall be considered incomplete and returned to the applicant for resubmittal.
- d. Equivalency of Application for Certification to Permit to Construct - The Air Pollution Control Officer shall consider the AFC to be equivalent to an application for a Permit to Construct during the Determination of Compliance review, and shall apply all provisions of this rule which apply to applications for a Permit to Construct.
- e. Need For Additional Information - The Air Pollution Control Officer may request from the applicant any information necessary for the completion of the Determination of Compliance review. If the Air Pollution Control Officer is unable to obtain the information, the Air Pollution Control Officer may petition the presiding Commissioner for an order directing the applicant to supply such information.
- f. Preliminary determination - Within 180 days of accepting an AFC as complete, the Air

Pollution Control Officer shall make a preliminary decision on:

1. whether the proposed power plant meets the requirements of this Rule and all other applicable district regulations; and
2. in the event of compliance, what permit conditions will be required including the specific BACT requirements and a description of required mitigation measures.

The preliminary written decision under Subsection 706 shall be treated as a preliminary decision under Subsection 507 of this Rule, and shall be finalized by the Air Pollution Control Officer only after being subject to the public notice and comment requirement of Subsections 506 through 508. The Air Pollution Control Officer shall not issue a Determination of Compliance unless all requirements of this rule are met.

- g. Determination of Compliance - Within 240 days of the filing date, the Air Pollution Control Officer shall issue and submit to the Commission a Determination of Compliance or, if such a determination cannot be issued, shall so inform the California Energy Commission. A Determination of Compliance shall confer the same rights and privileges as a Permit to Construct only when and if the Commission approves the AFC, and Commission certificate includes all conditions of the Determination of Compliance.
- h. Permit to Operate - Any applicant receiving a certificate from the California Energy Commission pursuant to this section and in compliance with all conditions of the certificate shall be issued a Permit to Operate by the Air Pollution Control Officer.